

# Property Division Guide for Divorce Cases

## What do you need to gather before you file Property Division for your Divorce case?

- A list of all property in your house. You should include property of financial value and things you feel you and your spouse could argue over.
- The legal description of your real estate property. You should have received this when you became the owner of the property.
  - If you do not have access to the legal description of the property, contact the register of deeds in the county where the property is located for the legal description of the property.
- The VIN(s) (Vehicle Identification Number) of your vehicle(s).
- Copies of income tax returns for the three (3) most recent tax years.
- Copies of your and your spouse's health insurance cards if you or your spouse have employer-provided health insurance.
- Current credit card statements.
- Current bank statements for any individually or jointly owned checking/savings accounts.
- Your and your spouse's social security numbers.
- A list of your monthly bills.

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**HELPFUL INFORMATION:** If you and your spouse are communicating, then filling out a Property and Liability Statement will be helpful. A Property and Liability Statement is a document that lists everything you own (assets) and everything you owe (liability or debts). Completing a statement in the beginning will make it easier to divide property and liabilities/debts fairly and ensure nothing is left out. (See [Appendix C](#) for a template Property and Liability Statement.)

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## If both you and your spouse want a divorce, then you and your spouse will need to agree:

- The dividing of the property and liabilities/debts are simple and agreed upon that no assets or liabilities/debts need to be listed in a *Property and Liability Statement*.
  - Please note: Some judges will request the *Property and Liability Statement* even if you and your spouse agree on the division of the property and the liabilities/debts to make sure everything is included.

OR



- Sign a *Property and Liability Statement*. Contact the clerk of the district court where you are filing for divorce to see if the district court has a required *Property and Liability Statement* that you must complete. If they do not, then see **Appendix C** for a template *Property and Liability Statement* that you can use.

### **If your spouse does not want a divorce or is not involved in the divorce process:**

You may choose whether to complete a *Property and Liability Statement*. Contact the clerk of the district court where you are filing for divorce to see if the district court has a required *Property and Liability Statement* that you must complete. If they do not, then see [Appendix C](#) for a template *Property and Liability Statement* that you can use.

### **If you and your spouse cannot agree on how property and liabilities/debts should be divided:**

- You and your spouse can try mediation. Mediation is a process that may help you and your spouse work through your disagreements about your property and liabilities/debts. With the help of a neutral third-party mediator, you can work together to come up with a fair *Property and Liability Statement*. You can find the contact information for the Office of Dispute Resolution approved mediation centers at [nejudicial.com/mediation-centers](http://nejudicial.com/mediation-centers). The mediation centers do charge a fee for their service that is based on your income.
- If you and your spouse cannot agree on how property and debts should be divided and did not go to mediation or mediation is unsuccessful, then it may be helpful to seek legal advice that is beyond the scope of this packet. Resources for finding a lawyer can be found at [nejudicial.com/find-a-lawyer](http://nejudicial.com/find-a-lawyer).